IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

WP(C).No. 22089 of 2007(D)

PETITIONERS:

---

1. PULARIPURAM RESIDENTS' ASSOCIATION,
   THRIKKAKARA, KOCHI-682 021, REGN.NO.ER.146/07,
   REPRESENTED BY ITS GENERAL SECRETARY,
   PROF. T.J.JOSEPH, S/O. KOCHAPPU, AGED 48 YEARS,
   RESIDING AT THEKKINEDATH HOUSE, THRIKKAKARA P.O.,
   KOCHI-48.

2. C.PADMAKUMAR, S/O. R.CHELLAPPAN,
   AGED 48 YEARS, RESIDING AT ASWATHI,
   KOLLAMKUDI NAGAR, THRIKKAKARA, KOCHI-21,
   WORKING AS SECTION OFFICER, HIGH COURT OF KERALA,
   ERNAKULAM.

BY ADV. SRI.T.H.ABDUL AZEEZ
SRI.P.ANOOP (MULAVANA)

RESPONDENTS:

---

1. THRIKKAKARA GRAMA PANCHAYAT,
   REPRESENTED BY THE SECRETARY, KAKKANAD P.O.,
   KOCHI-30.

2. M/S. BHARAT GAS,
   BHARAT PETROLIUM CORPORATION, ERUMPANAM,
   REPRESENTED BY ITS TERRITORY MANAGER.

3. THE DEPUTY CHIEF CONTROLLER OF
   EXPLOSIVES, ERNAKULAM, KAKKANAD, KOCHI-30.

4. THE PROPRIETOR,
   M/S. KUNHACHAN GAS AGENCIES, PADAMUGHAL,
   KAKKANAD P.O., KOCHI-30.

5. K.K.ABOOBACKER, S/O. KOLLAMKUDI KHADER,
KALAPPURAKKAL HOUSE, KOLLAMKUDIMUGHAL,
THRIKKAKARA, KOCHI-21.

R1 BY ADV. SRI SHANAVAZ KHAN
SRI.S.M.PREM
R2 BY SC SRI. A.M. SHAFFIQUE
R3 BY GOVT. PLEADER SRI. K.J. MOHAMMED ANZAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

- -

WP.(C) No. 22089 of 2007

- -

Dated this the 23rd day of July, 2007

JUDGMENT

First petitioner is a registered association of the local residents of Thrikkakara Grama Panchayat. Second petitioner is one of the members. Complaint of the petitioners is regarding the functioning of the storage of gas cylinder by the fourth respondent. It is stated that the godown has been constructed by the fourth respondent in the property of the fifth respondent, very adjacent to the residences of the members of the petitioner association. The area is stated to be a thickly populated area. They filed representations. They have learnt that Ext.P3 has been issued. According to them the fifth respondent has also intimated the petitioners that he has already written a letter to the fourth respondent asking him to stop the functioning of the gas cylinder godown due to Ext.P3 and the expiry of eleven months time originally stipulated in the lease deed. Petitioners have filed Exts.P5 and P6 complaints before respondents 2 and 3 and Ext.P7 before the first respondent. Prayer is to direct the first respondent Panchayat to take

urgent steps to stop the functioning of the storage of gas cylinders in the premises in question as part of the implementation of Ext.P3 intimation and to take steps against respondents 2, 4 and 5 for violation of the provisions of the Kerala Panchayat Raj (Licensing of Dangerous and Offensive Trades and Factories) Rules, 1996 as they have been conducting the storage of gas cylinder without any licence.

2. I heard learned counsel for the first respondent Sri. Shanavaz Khan. He points out that this court had disposed of W.P.(C) No.19269 of 2007 filed by respondent No.4 and as per the said judgment the fourth respondent was permitted to file appeal before the Panchayat Committee. He would submit that the grievances of the petitioners also can be considered while disposing of the appeal. Already Ext.P3 has been issued and and that is challenged in the appeal. Therefore it may not be proper for me to direct implementation of Ext.P3 pending in appeal.

The writ petition is disposed of directing that the Panchayat Committee, while considering the appeal filed by the fourth respondent, will also afford an opportunity of hearing to the first

petitioner association, who can appear through their representative.

(K.M. JOSEPH, JUDGE)

sb